

2. Mr. Kholi met in San Diego (at the request of Mr. Thompson) with Mr. Thompson and his counsel and voluntarily provided a great deal of information responsive to the discovery requests outstanding. This Mr. Kholi did on April 29-30, 2010.

3. Mr. Kholi does not object to appearance in Court. In the interim, however, and in light of his recent retention of his current counsel of record, he requests a more thorough opportunity to respond to defendant's request.

4. Kholi also is planning to file shortly a motion to set aside the judgment on June 2, 2010, or as soon thereafter as possible. In that motion, Kholi will request that all collection proceedings be stayed pursuant to case law emanating from this Court. *United States v. Evans*, 2008 U.S. Dist. LEXIS 111459, *4 (W.D. Tex. 2008).

For all the foregoing reasons, Kholi requests that the Court deny defendant's motion without prejudice.

Respectfully submitted,

Dated: June 1, 2010

LAWTON LAW FIRM

By:



Dan Lawton

Attorneys for Plaintiff Sam Kholi Enterprises,
Inc. and Third Party Defendant Sam Kholi

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9 and Third-Party Defendant Sam Kholi

10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE WESTERN DISTRICT OF TEXAS
12 WACO DIVISION

13 SAM KHOLI ENTERPRISES, INC.)

14 Plaintiff,)

15 v.)

16 TOM THOMPSON, d/b/a/ Thompson
17 Trucking,)

18 Defendant,)

19 v.)

20 SAM KHOLI,)

21 Third-Party Defendant.)
22

Civil Action No. W-08-CV-105

PROOF OF SERVICE

23 I, Emi Kotani, declare that:

24 I am over the age of eighteen years and not a party to this action; and I am employed
25 at Lawton Law Firm, whose business address is Emerald Plaza, 402 West Broadway, Suite
26 1860, San Diego, California, 92101.

27 On June 1, 2010, I served the foregoing document(s) described as:

28 **RESPONSE OF PLAINTIFF SAM KHOLI ENTERPRISES, INC. AND THIRD-
PARTY DEFENDANT SAM KHOLI TO DEFENDANT'S REQUEST FOR
SANCTIONS, INCLUDING A FINDING OF CONTEMPT**

Civil Action No. W-08-CV-105

1 on all interested parties in this action by placing [X] a true copy [] original thereof enclosed
2 in sealed envelopes addressed as follows:

3 Jack R. Crews, Esq.
4 BAIRD, CREWS, SCHILLER &
5 WHITAKER
6 15 N. Main Street
7 Temple, TX 76501

Attorneys for Defendant Tom Thompson

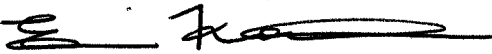
8 ☐ (BY FACSIMILE) The facsimile machine I used complied with Rule 2003(3) and no
9 error was reported by the machine. Pursuant to Rule 2008(e)(4), I caused the machine
10 to print a record of transmission.

11 ☒ (BY MAIL, 1013a, 2015.5 C.C.P.) I am readily familiar with this firm's practice of
12 collection and processing of correspondence for mailing. Under that practice, this
13 document will be deposited with the United States Postal Service on this date with
14 postage thereon fully prepaid at San Diego, California, in the ordinary course of
15 business. I am aware that on motion of the party served, service is presumed invalid if
16 postal cancellation date or postage meter date is more than one day after the date of
17 deposit for mailing in the affidavit.

18 ☒ (BY ELECTRONIC MAIL)

19 I declare under penalty of perjury under the laws of the United States that the
20 foregoing is true and correct.

21 Executed on June 1, 2010 at San Diego, California.

22 
23 _____
24 EMI KOTANI